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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,540	05/19/1999	ROBERT S. LANGER	0492611-0335	5363

7590 05/09/2003

SAM PASTERNAK
CHOATE HALL & STEWART
EXCHANGE PLACE
53 STATE STREET
BOSTON, MA 021092891

EXAMINER

RUSSEL, JEFFREY E

ART UNIT	PAPER NUMBER
----------	--------------

1654

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/314,540

Applicant(s)

LANGER ET AL.

Examiner

Jeffrey E. Russel

Art Unit

1654

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeffrey E. Russel.

(3) _____.

(2) Valarie B. Rosen.

(4) _____.

Date of Interview: 08 May 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1-3, 6-9, 11, 13 and 66-68.

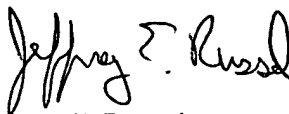
Identification of prior art discussed: Patel et al article, Cannizzaro et al article.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner reviewed two draft 132 declarations which, when signed and formally submitted, will be effective to show that the references applied in sections 9 and 10 of the previous Office action are not prior art against the instant claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


Jeffrey E. Russel
Primary Patent Examiner
Art Unit 1654

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

S ary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

CHOATE, HALL & STEWART

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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WWW.CHOATE.COM

TRANSMITTAL SHEET

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Number of pages being sent 5 (including this page)

DATE: May 8, 2003

Recipient	Company	Fax No.	Phone No.
1. Examiner Jeffrey E. Russel	PTO	(703) 746-5175	

FROM: Valarie B. Rosen, Ph.D.

DIRECT DIAL: (617) 248-4061

REMARKS: Serial No.: 09/314,540

TIME SENT: _____ OPERATOR: _____ CLIENT NO. 0492611-0335

Return by: Inter-office Mail _____ Hold for pick-up _____

CERTIFICATE OF FACSIMILE TRANSMISSION
PURSUANT TO 1096 OG 30-31(I hereby certify that this paper is being
facsimile transmitted to the Assistant
Commissioner For Patents, Washington,
DC 20231on 5/8/03
Valarie B. Rosen

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Attorney Docket No.: 0492611-0335 MIT 8070
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Langer *et al.* Examiner: Russel, Jeffrey E.
Serial No.: 09/314,540 Art Unit: 1654
Filed: May 19, 1999
For: *Modification of Surfaces Using Biological Recognition Agents*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. 1.132

We, Robert S. Langer, Scott M. Cannizzaro, Bernhard G. Mueller, and Kevin Shakesheff declare as follows:

1. We are the inventors to the subject matter disclosed and claimed in United States patent application Serial No. 09/314,540 ('540 application) filed May 19, 1999 and entitled "MODIFICATION OF SURFACES USING BIOLOGICAL RECOGNITION AGENTS."

2. Scott M. Cannizzaro, Robert S. Langer, and Kevin Shakesheff are three inventors on the instant application and are also three of the co-authors of Cannizzaro *et al.* *Biotechnology and Bioengineering*, Vol. 58, No. 5, June 5, 1998 (Reference S). The purpose of this Declaration is to remove Reference S as a prior art reference with respect to the '540 application.

3. Robert F. Padera, Rick A. Rodgers, Fiona E. Black, Martyn C. Davies, and Saul J.B. Tendler are co-authors of Reference S and are not inventors of the invention claimed in the '540 application.

4. Robert S. Langer, Scott M. Cannizarro, Bernhard G. Mueller, and Kevin Shakesheff mutually conceived and reduced to practice the invention recited in the claims of the '540 application.

5. To the extent that Reference S discloses the claimed invention, the authors of Reference S derived this subject matter from us, the inventors of the '540 application. The inventors communicated the subject matter of the claimed invention to Robert F. Padera, Rick A. Rodgers, Fiona E. Black, Martyn C. Davies, and Saul J.B. Tendler in connection with preparing Reference S.

4. I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: _____

Robert S. Langer

Date: _____

Scott M. Cannizarro

Date: _____

Bernhard G. Mueller

Date: _____

Kevin Shakesheff

Attorney Docket No.: 0492611-0335 (MIT 8070)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Langer <i>et al.</i>	Examiner:	Russel, Jeffrey E.
Serial No.:	09/314,540	Art Unit:	1654
Filed:	May 19, 1999		
For:	<i>Modification of Surfaces Using Biological Recognition Agents</i>		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. 1.132

We, Robert S. Langer, Scott M. Cannizarro, Bernhard G. Mueller, and Kevin Shakesheff declare as follows:

1. We are the inventors to the subject matter disclosed and claimed in United States patent application Serial No. 09/314,540 ('540 application) filed May 19, 1999 and entitled "MODIFICATION OF SURFACES USING BIOLOGICAL RECOGNITION AGENTS."

2. Robert S. Langer, Scott M. Cannizarro, and Kevin Shakesheff are three inventors on the instant application and are also three of the co-authors of Patel *et al.* FASEB J. Vol 12, pages 1447-1454 (Reference R). The purpose of this Declaration is to remove Reference R as a prior art reference with respect to the '540 application.

3. Nikin Patel, Robert Padera, Giles H. W. Sanders, Martyn C. Davies, Clive J. Roberts, Saul J. B. Tendler, and Philip M. Williams are co-authors of Reference R and are not inventors of the subject matter of the claims of the '540 application.

4. Robert S. Langer, Scott M. Cannizarro, Bernhard G. Mueller, and Kevin Shakesheff mutually conceived and reduced to practice the invention recited in the claims of the '540 application.

5. To the extent that Reference R discloses the claimed invention, the authors of Reference R derived this subject matter from us, the inventors of the '540 application. The inventors communicated the subject matter of the claimed invention to Nikin Patel, Robert Padera, Giles H. W. Sanders, Martyn C. Davies, Clive J. Roberts, Saul J. B. Tendler, and Philip M. Williams in connection with the preparation of Reference R.

4. I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: _____

Robert S. Langer

Date: _____

Scott M. Cannizarro

Date: _____

Bernhard G. Mueller

Date: _____

Kevin Shakesheff